WAGANAKISING ODAWAK STATUTE 1997015

NATURAL RESOURCES REGULATIONS FOR THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS' RESERVATION

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Preamble

THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS ADOPT THIS CODE AS AN EXERCISE OF THEIR INHERENT SOVEREIGN RIGHT TO REGULATE THEIR MEMBERS WITHIN THE TERRITORY RESERVED BY THE TREATY OF WASHINGTON OF MARCH 28, 1836 AND CONFIRMED BY THE TREATY OF DETROIT OF JULY 31, 1855. THIS CODE ENABLES THE TRIBE TO REGULATE, PRESERVE, AND CONSERVE THE RESOURCES OF ITS RESERVATION, TO PROMOTE PUBLIC SAFETY ON AND IN THE LANDS AND WATERS RESERVED BY THAT TREATY, AND TO GOVERN THE WISE USE OF THE RESOURCES OF THE RESERVATION BY ITS MEMBERS, WITH THE INTENT THAT SUCH RESOURCES WILL CONTINUE TO FLOURISH WITHIN THE RESERVATION FOR THE PERPETUAL USE AND ENJOYMENT OF THE MEMBERS OF THE TRIBE. THESE REGULATIONS APPLY ON ALL LANDS AND WATERS WITHIN THE BOUNDARIES OF OUR RESERVATION.

SECTION 1. DEFINITIONS

1.01. Territory - All lands and waters described in Article 1 Third and Article 1 Fourth of the Treaty of Detroit of July 31, 1855, 11 Stat. 621, and, in addition thereto, all lands and waters acquired by the United States of America in trust for the Tribe pursuant to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act of September 21, 1994, 108 Stat. 2156.

1.02. Tribe - The Waganakising Odawa, also known as the Little Traverse Bay Bands of Odawa Indians.

1.03. Tribal Member - Enrolled member of the Tribe.

1.04. Tribal Court - The Court of the Tribe.

1.05. Tribal license - A gathering, hunting, trapping, or fishing license issued by the Tribe to a Tribal Member, which license is valid and current.

1.06. Personal use - The use of natural resources for direct personal or family consumption by Tribal Members as food, medicine, shelter, fuel, clothing, tools, or transportation; for making or selling handicraft articles including the commercial sale of such items; or for barter. For purposes of this section, the term:

A. "Family" means all persons related to the fourth degree by blood, marriage, or adoption, or any person living within the household on a permanent basis.

B. "Traditional artwork" means articles produced, decorated or fashioned in the exercise of traditional Indian carving, weaving, quillwork, basketry, beading, pottery, drawing, painting or other artforms, without the use of mass copying devices; and,

C. "Barter" means the sale or exchange of natural resources or parts thereof for personal uses between Tribal Members or between a Tribal Member and a member of another federally recognized Indian tribe which has granted reciprocal rights.

1.07. Commercial Purposes - The harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but not including harvesting of a natural resource for personal use.

1.08. Endangered Species - Any species of wild animal or plant designated as threatened, rare or endangered by the Tribal Council by proclamation or by the United States Department of the Interior pursuant to 50 C.F.R. Part 17.

1.09. Conservation Officer - Any Tribal Conservation Officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including Special Agents of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.

1.10. Regulations - These Regulations including any subsequent amendments to these Regulations.

1.11. Game Fish - Brook trout, lake trout, splake, brown trout, rainbow (steelhead) trout, coho salmon, chinook salmon, Atlantic salmon, largemouth bass, small mouth bass, rock bass, walleye, sauger, northern pike, muskellunge, tiger muskellunge, sturgeon, bluegill, sunfish, crappie, perch, lake whitefish, and round whitefish (menominee), and any other species of fish now or in the future present within reservation boundaries which may be taken for food or sport.

1.12. Bait fish - Non-game fish used for catching other fish.

1.13. Wild animals - All creatures, not human, wild by nature, endowed with sensation, and power of voluntary motion, which includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, insects, and mollusks.

1.14. Game - Small game and big game.

1.15. Small game - Ruffed grouse (partridge), woodcock, mourning dove, ring-neck pheasant, cottontail rabbit, snowshoe hare, gray squirrel, black squirrel, fox squirrel, red squirrel, quail, woodchuck, porcupine, sharp tail grouse and crow.

1.16. Big game - White-tail deer, black bear, wild turkey, and elk.

1.17. Fur bearer - Fur bearing animals including coyote, red fox, gray fox, bobcat, beaver, otter, muskrat, mink, weasel, skunk, raccoon, badger and opossum.

1.18. Firearm - A weapon from which dangerous projectiles may be propelled by use of explosives, gas, or air as a means of propulsion.

1.19. Bow - A weapon constructed from wood, plastic, metal, or other material with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled when drawn and released by hand.

1.20. Slingshot - A "Y" shaped device with an elastic strip at the prong, or one strip of stretchable material, with a pocket on one end, used for projecting stones or other objects.

1.21. Transport or Transportation - Carrying or moving by any vehicle or vessel, or on foot, of fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants or parts thereof or causing to be carried or moved or attempting to carry or move fish, game, fur-bearers, migratory birds, reptiles, amphibians or plants.

1.22. Safety Zone - Any area within 150 yards (450 feet) of any occupied commercial structure, public structure, dwelling house, residence, cabin, camp, cottage, barn, or other building used in connection therewith.

1.23. Cased or Encased - Storage of a firearm or bow in any device or case made to contain a firearm or bow so that no portion is exposed.

1.24. Migratory Birds - Those birds included in the terms of the convention between the United States and any other country for the protection of migratory birds and for which open seasons are prescribed in these Regulations, including ducks, geese, swans, doves, pigeons, rails, coots, gallinules, woodcock and snipe.

1.25. Amphibians and Reptiles - Bull frogs, green frogs, salamanders, snapping turtles and soft shelled turtles.

1.26. Federally Recognized Indian Tribe which has granted reciprocal rights - A federally recognized Indian tribe, band or community which has agreed in writing and so communicated to the Tribe that Tribal Members may be permitted to hunt, trap, fish or gather within the territorial jurisdiction of such tribe, band or community.

1.27. Related to the Fourth Degree - Children, grandchildren, great-grandchildren, great-great-grandchildren, parents, grandparents, great-grandparents, great-great-grandparents, siblings, aunts and uncles, nieces and nephews, grandnieces and grandnephews, great-aunts and great-uncles, first cousins.

1.28. Conservation regulations - These regulations and all other regulations governing any aspect of hunting, fishing, trapping and gathering within the reservation, and all tribal regulations governing the exercise of rights reserved by the Tribe to hunt, fish, trap and gather throughout the lands, inland waters, Great Lakes and connecting waters ceded by the Treaty of Washington of March 28, 1836.

SECTION 2. TERRITORIAL JURISDICTION

2.01. These Regulations shall govern all hunting, fishing, trapping and gathering activities of Tribal Members on lands and waters within the reservation boundaries.

2.02. Tribal Members are authorized, subject to the limitations and pursuant to these Regulations, to hunt, trap, fish and gather within the reservation boundaries, only on the following lands and waters:

A. Lands and waters open to public hunting, trapping, fishing and gathering.

B. Tribal lands which are open to hunting, trapping, fishing and gathering by Tribal members; and

C. Private lands including without limitation lands held by non-Tribal members, land held in fee by Tribal Members, lands held by Tribal Members subject to restrictions on alienation and lands held by the United States in trust for Tribal Members, but only with permission from the owner (or restricted fee or beneficial owner), occupant or lessee.

2.03. The Natural Resources Commission may also issue Special Licenses to members of federally recognized Indian tribes which have granted reciprocal rights. Hunting, trapping, fishing or gathering by such persons shall be limited to those lands and waters listed in Section 2.02 and may be further limited by specific license restriction.

SECTION 3. HUNTING LICENSES

3. 01. Licenses - Any Tribal Member twelve (12) years of age or older, who hunts, traps, or fishes within the reservation boundaries, while having under his/her control or immediate possession any firearm, subject to the provisions of section 3.05, bow and arrow, slingshot, trapping apparatus, or any other device capable of killing or restraining fur bearers or game, shall have in his/her possession a valid and current Tribal license. Any Tribal Member twelve (12) years of age or older who fishes or attempts to take any fish, reptiles or amphibians while having under his/her control or in his/her immediate possession any pole, reel, tip-up hand line, trap, seine, dip net or spear, shall have in his/her possession a valid and current Tribal license.

3.02. Transportation - The license provided for in Section 3.01 shall be required to take, transport, or possess any fish, game, furs, plants, hides, amphibians or reptiles, or auxiliary

parts thereof, within the reservation boundaries and for the purpose of possessing or using firearms, bows, or trapping devices in the course thereof; provided however, that nothing herein contained shall be construed to allow the violation of any other provisions of the Tribal Code relating to the possession or use of any regulated gear.

3.03. Age Limits for Fishing, Reptiles and Amphibians and Gathering Licenses - No Tribal Member under twelve (12) years of age shall be required to possess a Tribal license to fish, take reptiles or amphibians, or gather vegetation for personal use or use by his immediate family; however, those persons shall be required to follow these Regulations and all other applicable Tribal regulations.

3.04. Age Limits for Hunting Licenses - No Tribal Member less than twelve (12) years of age shall be allowed to possess a Tribal license to hunt. A Tribal Member under (12) years of age may be issued a License to trap upon application signed by a parent or guardian provided that the member under twelve (12) may not be authorized or allowed to have a firearm in his/her possession while trapping.

3.05. Hunting with a Firearm - A Tribal Member must be at least fourteen (14) years of age to hunt big game with a firearm.

3.06. Previous Licenses - A Tribal Member who applies for a Tribal license to hunt any small game, big game, or fur bearer shall either produce a previous Tribal license to hunt or trap or a previous license from one of the 1836 and 1855 Treaty Tribes or from a lawful issuing agent within the State of Michigan or have successfully passed a recognized Hunters Safety Course.

3.07. Adult Accompaniment - A Tribal Member under sixteen (16) years of age shall be accompanied by an adult while hunting with a firearm, which adult shall have in possession a valid Tribal or state license.

3.08. Harvest Tags - In addition to the Tribal license required by this section, a Tribal Member may be required to obtain annual harvest tags in order to hunt or trap certain species. Harvest tags must be completely filled out and affixed to the animal when transporting the game.

A. Annual harvest tags must be obtained from the Tribe in order to hunt deer, bear or wild turkey.

B. Annual harvest tags must be obtained from the Tribe in order to trap otter, badger or bobcat.

3.09. Special Use Permit - In addition to the Tribal license required by this section, a Tribal Member may also be required to obtain and carry in his/her possession a valid and current Special Use Permit authorizing such member to use a firearm or firearm accessory not listed in Section 5 of these Regulations.

3.10. Reporting Requirements - A Tribal Member who hunts or traps big game, small game, fur bearers or migratory birds pursuant to these Regulations, with or without a Tribal license, shall be required to report the results of such hunting or trapping to the Natural Resources Commission within one (1) month of the date on which such hunting or trapping occurred.

SECTION 4. HUNTING AND TRAPPING; GENERAL PROVISIONS

4.01. Sale of Flesh - It shall be unlawful for any Tribal Member to engage in the sale of the flesh of game for commercial purposes, except for personal use as defined in Section 1.06.

4.02 Transportation - Fur bearers, big game, or small game lawfully taken by licensed Tribal Members may be transported within or outside of the reservation boundaries provided that the member shall have a valid and current Tribal license in possession. Game must be tagged with a harvest tag containing all necessary information whenever it is being transported.

4.03. Shooting Hours - Shooting hours for all species, including migratory birds are one half hour before sunrise to sunset Eastern Standard Time (E.S.T.). Fox, raccoon and coyote may be hunted after sunset with use of dogs, or game call and artificial lights.

4.04. Pursuit with Vehicles - It shall be unlawful to hunt or pursue any fur bearer, small game, migratory birds, or big game with automobile, motorcycle, ORV, airplane, snowmobile, motorboat, or any other motorized or wind powered vehicle or boat, except as provided in Section 4.15.

4.05. Explosives, etc. - No fur bearer, migratory birds, small game, or big game may be lawfully taken by use of explosive, drugs, poisons, medicated bait, or other deleterious substances.

4.06. Trapping Big Game - It shall be unlawful to trap or snare big game.

4.07. Shooting Fur Bearers - It shall be unlawful to shoot or discharge a firearm at fur bearers, small, or big game while they are in the water.

4.08. Traps - Traps used for harvesting fur bearers shall be either leghold, box type, or body gripping (conibear) type. It shall be unlawful to use snares except while trapping beaver, otter or muskrat which are in the riparian corridor or submerged in streams or lakes.

4.09. Trap Markings - All traps set shall be clearly marked with the number of the Tribal license and name of the person who set the trap. All traps must be attended at least every twenty-four (24) hours.

4.10. Marking of Hides - All bobcat, otter and badger taken by trap, and all hides, pelts and furs thereof, shall be clearly marked with the number of the Tribal license and the name of the person to whom it belongs within seventy-two (72) hours of being taken.

4.11. Barter of Hides - It shall be lawful for Tribal Members to possess, sell or use for barter, or to transport hides, furs or pelts of fur bearers, big game or small game or the flesh of beaver, raccoon or muskrat lawfully taken.

4.12. Shipping of Hides - All hides, furs or pelts of fur bearers either shot or trapped shall be presented to a Tribal Conservation Officer for inspection and registration before they are shipped by common carrier, transported outside the reservation boundaries, or offered for sale or barter.

4.13. Federal Laws on Hides - All Federal laws and regulations regarding the identification, sale, and transportation of hides, furs or pelts of any fur bearer apply to identification, sale or transportation undertaken pursuant to these Regulations.

4.14. Transporting Firearms - It shall be unlawful to transport firearms in any motorized vehicle within the reservation boundaries unless the firearms are unloaded and encased or are unloaded in a trunk not accessible from the driver and passenger compartment of the vehicle. Bows must be unstrung or encased while being transported in a motorized vehicle. Muzzleloaders with caps removed or pan empty are considered unloaded.

4.15. Hunting from Motor Vehicle - It shall be unlawful to discharge any firearm, arrow or projectile from a motorized vehicle; provided, however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water current.

4.16. Live Animals for Trapping - It shall be lawful to keep up to one live coyote and two live fox for the purpose of collecting urine and droppings for trapping; provided, however,

that at least one member of the immediate family must have a valid Tribal trapping license, and provided further, that the animals shall be cared for in a manner that would allow for their healthy survival in the wild if released.

4.17. Seasons and Bag Limits - The seasons and bag/harvest limits for taking small game, big game, fur bearers, migratory birds and turkeys, and for trapping fur bearers shall be as determined by Tribal regulations.

SECTION 5. HUNTING RESTRICTIONS

5.01. Automatic Weapons - No Tribal Member shall use in hunting, pursuing or killing a wild animal, or be in possession of, in an area frequented by wild animals, any auto-loading or semi-automatic shotgun or rifle or capable of holding more than six (6) shells in both the chamber or magazine combined, other than .22 caliber rim fire for use for small game only, or use cartridges containing either tracer or exploding bullet.

5.02. Silencers - No Tribal Member shall use, or be in possession of, a device or apparatus known as a silencer.

5.03. Hunting from Platforms - Tribal Members may hunt deer, small game, fur bearers or bear from a tree or portable raised platform.

5.04. Restrictions on Shining, etc. - Unless otherwise specified in these Regulations or special Tribal regulations, no Tribal Member shall make use of artificial light, cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or mechanical device other than firearm or bow and arrow for the purpose of harvesting or killing big game or small game.

5.05. Fire - It shall be unlawful to set or use fire to drive wild animals or to attempt to take wild animals.

5.06. Salt and Bait - A Tribal Member may use salt and bait to hunt for bear or deer, provided no drugs or poisons are used.

5.07. Firearms Limitations - Any firearm used in hunting big game other than wild turkey must be a center fire rifle, muzzle loader of .40 caliber or larger, or shotgun using slug or buckshot.

5.08. Limitations on Turkeys - Wild turkey may be hunted with a bow and arrow, shotgun or muzzle loading shotgun using number four (#4) shot or smaller.

5.09. Bow and Arrow Hunting - Bow and arrow may be used to hunt both big game and small game, provided that a broad head with a cutting surface of one inch (1") diameter may be used to hunt big game including wild turkey.

5.10. Hunting with Dogs - It shall be unlawful to hunt deer or wild turkey with dogs.

5.11. Seasons - It shall be unlawful to hunt or trap with a firearm on any lands during daylight hunting hours from and including August 15 through April 30 unless one (1) square foot of hunters orange is worn and visible from all sides. This does not apply to persons hunting migratory birds, crow, wild turkey, predators, nor to bow hunters, except during firearm deer season.

SECTION 6. MIGRATORY BIRD REGULATIONS

6.01. License - Any Tribal Member twelve (12) years of age or older who hunts migratory birds within the reservation boundaries shall have in possession a valid Tribal license.

6.02. Age Restriction - No Tribal Member under twelve (12) years of age shall be allowed to hunt migratory birds.

6.03. Offenses.

A. In addition to the violation of any of the provisions herein contained, or any other hunting regulation enacted now or in the future by a Tribal Council, the acts or omissions described in Subsection C below shall constitute misdemeanors.

B. In addition to any punishment provided for upon the conviction of any misdemeanor, or any other offense described herein, or upon conviction for the violation of any regulation with respect to hunting migratory birds now enacted or herein after enacted by the Tribal Council, any person so convicted may have any hunting equipment or paraphernalia in his possession at the scene of the offense permanently confiscated and may also be subject to fines and incarceration as imposed by the Tribal Court.

C. It shall be unlawful to:

1. Engage in any migratory bird hunting without first obtaining a Tribal license.

2. Use or allow another person to make use of a Tribal license not his/her own.

3. Engage in wanton destruction of migratory birds.

4. Fail to make a reasonable effort to recover dead or wounded migratory birds.

5. Take, possess or transport, or aid, assist or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.

6. Exceed established limits or use prohibited means of taking migratory birds.

7. Hunt while visibly impaired due to the consumption of alcohol or controlled substances.

8. Refuse to produce a Tribal license or other identification upon request of a Tribal Conservation Officer.

9. Use fraud or perjury in procuring a Tribal license.

10. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of a Conservation Officer.

11. Harass or interfere with any legally licensed hunter.

12. Shoot, attempt to shoot or harm in any way any Endangered Species.

13. Take migratory birds with trap, snare, swivel gun, punt gun, battery gun, automatic fired weapon, shotgun with shells longer than three and one-half inches (3.5"), fish hook, poison, drug, stupefying substance or explosive.

14. Take migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1) piece filler which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.

15. Use or be in possession of any shot other than steel to take migratory birds; provided, however, that it shall be legal to hunt woodcock with shot other than steel.

16. Hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.

17. Use any rim fire, center fire, or muzzle loading rifle to take migratory birds.

18 Pursue migratory birds from a motor boat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled, or by means of any motorized land or air conveyance.

19. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.

20. Use or attempt to use bait, or hunt migratory birds on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt, or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten days after such bait has been removed; provided, however, that it shall be legal to hunt migratory game birds in agricultural fields where crops are standing, have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management if the seeds and grains have not been scattered or redistributed once the crop has been harvested.

21. Violate any Federal law pertaining to 50 C.F.R. Part 20 dealing with hunting migratory birds.

6.05. Biological Monitoring of Harvest - It shall be the duty of the biological staff and Tribal Conservation Officers working with Federal officials to monitor and sample the Tribal harvest of migratory birds through game bag checks, patrols and mail surveys. The harvest of all species shall be reported to the U.S. Fish and Wildlife Service to permit evaluation of the impacts of the Tribal harvest and may be reported to other agencies as well.

6.06. Seasons and Bag Limits - The season and bag limits for the taking of migratory birds shall be subject to the provisions of the Migratory Bird Treaty Act, 16 U.S.C. Sections 703 to 711, and regulations promulgated pursuant thereto set forth at 50 C.F.R. Part 20.

SECTION 7. GATHERING VEGETATION AND NATURAL GROWTH

7.01. Gathering - It shall be lawful for Tribal Members to gather and use vegetation and natural growth for the creation of traditional artwork, and food, subject to the following regulations.

7.02. Private Land - Permission must be obtained from a private land owner prior to gathering vegetation and natural growth on such land.

7.03. Gathering Permit - A Tribal Member must acquire a Gathering Permit in order to gather vegetation and natural growth; provided, however, that no permit will be required to gather fruit, fungi and nuts, and provided further that no permit will be required to harvest vegetation or natural growth in season if such vegetation or natural growth is intended for religious or ceremonial purposes or for consumption by tribal elders.

A. Vegetation or natural growth which is intended for religious or ceremonial purposes or for consumption by tribal elders may be harvested out of season but only with a valid Gathering Permit.

B. At the time of application for the Gathering Permit, the Tribal Member shall specify what type or types of vegetation or natural growth which it is intended will be harvest. The Natural Resources Commission may limit the quantity of particular types of vegetation taken under a Gathering Permit based on scarcity of the resource, heavy demand or other biological reasons.

7.04. Reporting Requirement - Every Tribal Member who harvests any vegetation or natural growth, with or without a permit and within or out of season, shall be required to report the extent of such harvest to the Natural Resources Commission within one (1) month of the date on which such catch shall occur.

7. 05. Biological Restrictions - In reviewing and taking action on a request for a Gathering Permit, the biological impact of the harvest shall be taken into account. Such terms and conditions as may be necessary to protect the resource and to ensure compliance with applicable law shall be affixed to the Gathering Permit.

7.06. Endangered Species - It shall be unlawful to gather, collect, or be in possession of any vegetation or natural growth which constitute Endangered Species or parts thereof.

7.07. Sweetgrass - Sweetgrass shall not be sold within reservation boundaries unless it has been incorporated into traditional artwork.

SECTION 8. SUBSISTENCE AND SPORT FISHING

8.01. Fishing License - Any Tribal Member twelve (12) years of age or older who fishes within reservation boundaries shall have in possession a Tribal license. No license is required for a Tribal Member less than twelve (12) years of age, but all provisions of these Regulations shall apply.

8.02. Methods and Gear Restrictions.

A. The use of poles, reels, tip-ups and hand lines is lawful for use while fishing.

B. Seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet are legal for smelt.

C. Bait fish may be taken by traps, seines up to thirty feet (30') by three feet (3') and dip nets up to nine (9) square feet.

D. Individual hook and line fishing is limited to four (4) lines per person with two (2) hooks per line. Ice fishing is limited to eight (8) tip ups and one (1) pole or hand line per licensee.

E. Fixed ice shanties must have the owner's name, address and number of the Tribal license permanently affixed on all sides with letters at least two inches (2") high. Shanties must be removed before March 1 of each year.

F. Fishing with a spear, bow and arrow, or dip net is permitted on any streams, lakes and rivers subject to the season, size and creel limits and other restrictions imposed by these Regulations and other Tribal regulations, provided that spearing is only permitted for white fish. trout (including steelhead), northern pike, walleye, herring, menominee, suckers, carp. drum, bass, muskellunge, buffalo, salmon and sauger.

8.03. Restrictions - It shall be unlawful to:

A. Use explosives, drugs, poisons, lime, medicated bait or other deleterious substances to take or attempt to take fish.

B. Drive or harass fish into nets.

C. Use firearms to take or attempt to take fish.

D. Use gill nets, trap nets, seines or gorge to take fish, except as allowed for bait fish under Section 8.02(C) and smelt under Section 8.02(B).

E. Use a snag hook to take or attempt to take fish.

F. Destroy or waste of fish.

G. Harass or impede another fisherman or boater.

H. Take fish for the sole purpose of egg (spawn) collection.

I. Take any species of game fish determined Endangered.

8.04. Seasons and Creel Limits for Fish Harvest - The seasons and creel limits for the taking of the various fish species shall be as determined by Tribal regulations.

8.05. Reporting Requirements - A Tribal member who fishes pursuant to these Regulations with or without a license shall, nevertheless, be required to report the extent of catch to the Natural Resources Commission within one (1) month of the date on which such catch shall occur.

SECTION 9. AMPHIBIANS AND REPTILES

9.01. Amphibians - Amphibians may be taken from and including the last Saturday in May through November 15 with no size limit. Not more than fifty (50) of each species may be taken per day and not more than one hundred (100) of any species may be in possession at any given time.

9.02. Reptiles - No snapping turtles or soft shelled turtles may be taken at any time during the year without a Special Use Permit. No snapping turtle less than eight inches (8") of carapace (shell measured from head to tail) may be taken even with a Special Use Permit.

9. 03. Equipment - Taking of amphibians and reptiles may be done by hand, trap, dip nets, seines and hook and line.

9.04. Personal Use - Taking of amphibians and reptiles shall be for personal use only. No reptiles or amphibians or parts thereof may be sold within or without the reservation boundaries.

9.05. Reporting Requirements - A Tribal member who takes any amphibians or reptiles pursuant to this code shall report the extent of take to the Natural Resources Commission within one (1) month of the date on which such take shall occur.

SECTION 10. BIOLOGICAL ASSESSMENT AND MONITORING.

10.01. Biological Assessment - To conduct biological assessment, habitat evaluation, or other biological study, in consultation with the biological staff of the Natural Resources Commission, the Commission may require that fur bearers, small game, big game, migratory birds, fish, reptiles, amphibians, vegetation and natural growth, or the habitats of any of them, within the reservation boundaries shall be subject to reasonable biological assessment. A Tribal Member conducting such assessment shall, nevertheless, have a valid Tribal license in his/her possession at all times while conducting such assessment. The purpose of such assessment is to ensure the preservation and proper long range management of these species and their environs, and to make modifications or changes to the existing regulations or any future regulations as necessary to foster such preservation and management.

10. 02. Monitoring - It shall be the duty of biological staff of the Natural Resources Commission to monitor all harvest of game, fish, fur bearers, migratory birds, reptiles, amphibians and plants and the natural growth through the receipt of catch reports, through game bag checks, patrols, jawbone retrieval and mail surveys as appropriate.

SECTION 11. SPECIAL USE PERMITS AND SPECIAL LICENSE.

11.01. Special Use Permit - A Special Use Permit may be issued by the Natural Resources Commission authorizing use of a firearm or firearm accessory not listed in Section 5 of these Regulations.

11.02. Special License - A Special License to hunt, trap, fish or gather may be issued to a person who is a member of a federally recognized Indian tribe which has granted reciprocal rights.

A. All provisions of these Regulations shall apply to a person with a Special License, and such person shall be classified a Tribal Member for the purposes of application of these Regulations.

B. By application for a Special License, a person shall be deemed to have submitted to the full and complete jurisdiction of the Tribal Court.

SECTION 12. POSSESSION AND USE FOR RELIGIOUS PURPOSES.

12.01. Possession for Religious Purposes - Nothing in these Regulations shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal Member for religious purposes.

12.02. Dead Animals - If a Tribal Member finds a dead eagle, hawk, fur bearer, big game, small game, or any Endangered Species, the member shall report the finding as soon as possible to the biological staff or the Natural Resources Commission. The member shall leave it and direct the appropriate Tribal authority to the place where the carcass was found. After inspection of the scene, the Tribal Conservation Officer or any officer deputized by the Tribal Council shall take a sworn statement from the Tribal Member regarding the circumstances under which the carcass was found The Tribal Conservation Officer shall then deliver the carcass to the appropriate Tribal authority for shipment to the appropriate agency.

12.03. Disposal of Edible Resources - Any big game or small game obtained by a Tribal Conservation Officer under Section 12.02 of these regulations and which is obtained in edible condition shall be immediately delivered to appropriate recipients of such resources. The Tribal Council shall, at the outset of each year, develop a list of appropriate recipients of such resources within the reservation and shall provide copies of such lists to all Tribal Conservation Officers and to such other law enforcement personnel as may come into contact with deceased resources.

12.04. Disposal of Dead or Confiscated Animals - The Tribe shall maintain a repository of game, fish, fur bearers, migratory birds, reptiles, amphibians, vegetation or natural growth either taken in violation of these Regulations or other applicable Tribal law or acquired pursuant to section 12.02, except as disposed of in accordance with section 12.03. Tribal Members may request in writing animal parts from the repository for religious purposes. The Tribe will develop regulations to process such requests so that items in the repository can be distributed to Tribal Members in a fair and efficient manner.

SECTION 13. OFFENSES.

13.01. Misdemeanors - In addition to the violation of any of the provisions herein contained, or any other fishing, hunting, trapping or gathering regulation now or in the future enacted by a Tribal Council, the acts or omissions described in Section 13.04 constitute misdemeanors. A Tribal Conservation Officer or any officer deputized by a Tribal Council may arrest any person committing the offense and may seize or confiscate any fish, reptiles, amphibians, game, migratory birds, fur bearers, hides, vegetation or natural growth, vehicles, vessels, firearms, bows, traps, nets, lines, and any associated paraphernalia used in fishing, hunting, trapping or gathering, to be turned over to the Tribal Court of the offender.

13.02. Additional Penalties - In addition to any punishment provided for upon the conviction for violations of any provisions of these Regulations, or of the violation of any regulation now or in the future enacted with respect to fishing, hunting, trapping or gathering activities by the Tribal Council, any person so convicted may have any fishing, hunting, trapping or gathering equipment or paraphernalia in his possession at the scene of the offense permanently confiscated, and may also be subject to fines and incarceration as imposed by the Tribal Court.

13.03. Conviction - It shall be no defense in any criminal or civil prosecution under these Regulations, pertaining to hunting, fishing, trapping, or gathering, for a Tribal Member to claim a lack of awareness or understanding of law or regulations. A conviction upon a violation of any of the provisions of these Regulations shall constitute a conviction of a misdemeanor or civil offense.

13.04. Offenses - It shall be unlawful to:

A. Engage in any fishing, hunting or trapping without first obtaining a Tribal license.

B. Use or allow another person to make use of a Tribal license not his/her own.

C. Engage in wanton destruction or waste of fish, game, reptiles, amphibians, fur bearers, migratory birds or plants.

D. Take, possess or transport, or aid, assist or abet the same, of any game, fish, reptiles, amphibians, fur bearers, migratory birds or plants protected by Tribal Council or Federal law.

E. Exceed established limits, or use prohibited means of taking game, fish, reptiles, amphibians, fur bearers, migratory birds or the gathering of plants.

F. Hunt, fish or trap while visibly impaired due to the consumption of alcohol or controlled substances.

G. Refuse to produce a Tribal license, permit or other identification upon the request of a Tribal Conservation Officer.

H. Engage in fraud or perjury in procuring a Tribal license.

I. Refuse to allow inspection of any game, fish, migratory birds, reptiles, amphibians, hides, pelts, or furs in possession upon request of a Tribal Conservation Officer.

J. Harass or interfere with any legally licensed person fishing, hunting, trapping or gathering.

K. Engage in any fishing, hunting, trapping or gathering of plants without first obtaining a Special Use Permit when the same is required under these Regulations or by Tribal regulation.

L. Exceed established limits, or prohibited means of taking game, fish, reptiles, amphibians and plants or violate any other terms or conditions contained in any Special Use Permit.

13.05. Endangered Species - Any Tribal Member shooting, attempting to shoot, trapping, or attempting to trap, or to harm in any way, any Endangered Species will be held by Tribal Conservation Officers until taken into custody by Federal officials for violation of Federal law.

13.06. Reporting Requirements - Failure to report any fish taken, fur bearers trapped or taken, any small game, big game migratory birds, reptiles or amphibians taken or vegetation or natural growth taken in any calendar year shall result in denial of the appropriate license in the following year.

SECTION 14. FINES AND PENALTIES.

14. 01. Suspension or Revocation of Licenses - Any licenses or permits authorized by these Regulations may be suspended or revoked by the Tribal Court for violation of these Regulations.

14.02. Trial - Any violation of these Regulations, or of the regulations established by the Tribe regarding gathering, season, bag and creel limits, or restrictions on method or manner of gathering or taking game or fish, shall be tried before the Tribal Court under such procedures as are prescribed by the Tribe.

14.03. Penalties - The following are the minimum penalties for the first offense for a Tribal Member found guilty of killing, wounding, catching, taking or trapping, or attempting to catch, take, or trap, or possessing any of the following named protected fish, game, migratory bird, reptile, amphibian or fur bearers, or any parts thereof in violation of any of the provisions of these Regulations:

A. Any Endangered Species or any species determined to be rare, threatened or endangered by the Tribal Council or the United States - $1,000.00

B. Any elk or bear - $500.00

C. Any deer or wild turkey - $250.00

D. Any beaver, mink, otter, badger or bobcat - $100.00

E. Any rabbit, muskrat, squirrel or raccoon - $30.00

F. Any ruffed grouse, woodcock, morning dove, ring neck pheasant, quail or sharp tail grouse - $30.00

G. Any migratory bird - $50.00

H. Any sturgeon, muskellunge, tiger muskellunge or grayling - $100.00

I. Any lake trout, brown trout, rainbow trout, brook trout, large mouth bass, small mouth bass, walleye, northern pike, whitefish or menominee whitefish - $50.00

J. Any fish or game animal not named - $25.00

14.04. Repeat offenders may be fined up to $5,000.00 and/or incarcerated for up to one (1) year and/or lose hunting, trapping or fishing privileges, at the discretion of the Tribal Court.

SECTION 15. PROCEDURES.

15.01. Violations of Natural Resources Regulations - The Tribal Court shall hear charges against a Tribal Member. If there is more than one (1) violation, each violation shall be heard separately.

15.02. Citation and Notification of Violation - A Tribal Conservation Officer shall issue a citation of a violation of these Regulations to an alleged violator at the time the officer becomes aware of a violation.

A. The Tribal Conservation Officer shall identify him/herself and his/her title and badge number.

B. The Tribal Conservation Officer shall give the alleged violator the citation and the Officer shall retain a copy of the same.

C. The citation shall include:

1. the violation.
2. the penalties and/or fines.
3. the date, time and place of hearing.

15.03. Rules of Criminal Procedure - The Tribal Court shall follow Court proceedings as defined in the Little Traverse Bay Bands of Odawa Indians Rules of Court, Chapter I: Criminal Rules of Procedure.

15.04. Appeals to Court Decision - All appeals shall be conducted in accordance with the Little Traverse Bay Bands of Odawa Indians Rules of Court, Chapter 7: Appellate Rules.

THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS RESERVATION HUNTING, FISHING, TRAPPING AND GATHERING REGULATIONS

SECTION 1. HUNTING SEASONS

1.01. *Small Game* - September 1 to April 1.

1.02. *Deer*

A. Archery - October 1 to January 1.

B. Firearm - November 15 to November 30, provided that the Tribe may issue antlerless special permits for November 13-14, and special permits for either sex through December 3.

C. Muzzleloader - December 4 to December 18.

1.03. *Bear* - September 10 to October 30, counties open to hunting to be designated by Tribal ordinance.

1.04. *Wild Turkey*

A. Fall Season - October 1 to November 14.

B. Spring Season - April 20 to May 31.

1.05. *Elk* - Elk season may be permitted through a lottery conducted by the Tribe. The total number of permits issued by the Tribe combined will be based on a percentage of sustainable harvest. The Tribe will issue an equal number of permits based on this total.

1.06. *Fur bearers*

A. Hunting

1. Bobcat and mink- October 25 to March 15.
2. Gray fox, red fox, raccoon and coyote - October 1 to March 15.

B. Trapping

1. Beaver and otter - November 1 to April 16.
2. Muskrat, mink and bobcat - November 1 to March 1.
3. Raccoon, red fox, gray fox, coyote and badger - November 1 to March 1.

SECTION 2. BAG LIMITS

2.01. *Small* Game - A limit of five (5) of each species per day and a possession in transport limit of no more than two (2) days' limit per licensee.

2.02. *Big Game*

A. Deer

1. Archery - A limit of one (1) buck with 3 inch (3") antlers and one antlerless deer per season; provided that a hunter who utilizes only archery throughout the season may request a Special Use Permit for one (1) additional antlerless deer and one (1) additional buck.

2. Firearm/Muzzleloader - A limit of one (1) buck with three inch (3") antlers and one (1) antlerless deer per season; provided that a hunter who utilizes only firearms throughout the season may request a Special Use Permit for one (1) additional antlerless deer and one (1) additional buck.

B. Bear - One per season with either firearm or bow.

C. Wild Turkey - Two (2) birds per fall season; one (1) adult male with visible beard per spring season.

2.03. *Trapping*

A. Otter, badger and bobcat - One (1) per species per season. All other species have no season limit.

B. Accidentally trapped non-target protected species such as lynx, gray wolf, fisher or marten are unlawful to possess. All live animals shall be released if possible. The trapping of all other such animals shall be reported immediately to a Conservation Officer, and the procedures set forth in Section 12.03 of the Natural Resources Regulations shall apply.

SECTION 3. MIGRATORY BIRDS

3.01. *Shooting Hours* - From one half (1/2) hour before sunrise until sunset E.S.T.

3.02. *Bag and Possession Limits*

A. The bag limit for ducks shall not exceed five (5) per day, but shall not include more than one (l) pintail, one (l) canvasback, one (l) black duck, two (2) wood ducks and one (1) hen mallard.

B. The daily bag limit for Canada geese shall not exceed two (2) per day. The daily bag limits for all other geese, including brant, white-fronted, snow and blue geese, shall not exceed five (5) per day.

C. The possession limit for ducks and geese shall not exceed two (2) days' bag limit.

3.03. Seasons

A. Ducks, whitefront, brant, snow and blue geese - October 1 through November 30.

B. Canada geese - September 1 through November 30 and January 1 through February 7.

3.04. Swans - It shall be unlawful to shoot or attempt to shoot swans.

SECTION 4. SUBSISTENCE AND SPORT FISHING

4.01. Seasons

A. Trout and salmon

1. Lakes - No closed season.
2. Streams and rivers - April 1 to December l.

B. Largemouth bass, small mouth bass, sauger, walleye northern pike, muskellunge, and tiger muskellunge - April 1 through March l

C. Bluegill, sunfish, crappie, rock bass, perch, lake whitefish, menominee, catfish, and other species not listed - No closed season

D. Sturgeon - No open season.

E. Grayling - No open season.

4.02. Size Limits

A. Trout and salmon

1. Lakes - Ten inch (10") minimum.
2. Streams: Eight inch (8") minimum.

B. Largemouth and small mouth bass - Twelve inch (12") minimum.

C. Northern pike - Twenty inch (20") minimum.

D. Muskellunge and tiger muskellunge - forty two inch (42") minimum.

E. Walleye - Fourteen inch (14") minimum

F. Sturgeon - Fifty inch (50") minimum.

G. Bluegill, sunfish, crappie, lake whitefish, menominee, perch, catfish species, and other species not listed - No minimum size.

4.03. Creel Limits

A. Lake trout, rainbow trout, splake, brook trout and brown trout - Five (5) per species per day in lakes with a maximum of ten (10) in combination.

B. Brook trout, brown trout, rainbow trout on streams - a maximum of ten (10) in any combination. No more than three (3) of the total may be over sixteen inches (16") long.

C. Coho and chinook salmon - Five (5) per species per day.

D. Muskellunge and tiger muskellunge - One (1) per day.

E. Largemouth bass, small mouth bass, walleye and sauger - Five (5) per day.

F. Sturgeon - One (1) per season

G. Bluegill, sunfish, crappie, lake whitefish, menominee, perch, rock bass, and other species not listed - Fifty (50) per day.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Natural Resources Regulations for the Little Traverse Bay Bands of Odawa Indians' Reservation was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 27, 1997, at which a quorum was present, by a vote of 5 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	✓			
Patricia Dyer-Deckrow				✓
Frank Ettawageshik	✓			
Barry Laughlin	✓			
Shirley Oldman	✓			
Janet Shomin				✓
Alice Yellowbank	✓			

Date: 7-27-97

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary